

From: [Tursi, Joseph \(USACAC\)](#)
To: ["Laboni Hog"](#)
Cc: [echo@aclu.org](#); [kvirgien@aclu.org](#); [Eva Bitran](#); [Axe, Jason \(USACAC\)](#)
Subject: RE: [EXTERNAL] Re: ACLU SoCal v. DHS | CRCL Search
Date: Tuesday, September 10, 2024 2:42:00 PM

Hi Laboni,

For the CMS search, CRCL used the below search terms which returned the following hits:

- Vargas-Arellano
 - 1 case record
- Vargas-Arellano
 - no records
- Martin /3 (Vargas OR Arellano)
 - 2 case records
- "A#205718808" OR "A# 205718808" OR "A205718808" OR "A205 718 808" OR "205 718 808" or "205718808"
 - 2 case records
- National Qualified Representative Program OR NQRP
 - 7 case records
- detainee w/10 hospital
 - 15 case records
- Detainee w/10 death
 - 14 case records
- Detainee w/10 die
 - No records
- Detainee w/ 10 died
 - 1 case record
- Detainee w/10 dead
 - no records
- Detainee w/10 expire
 - no records
- Directive 11003.5
 - No records
- Directive 11003.4
 - No records
- Directive 11003.2
 - No records

With respect to the email search, CRCL used the same terms.

With these search terms they had the following results:

- OCIO Search
 - # of docs - 567
 - # of pages – 7,153

- Compliance Search
 - # of docs - 993
 - # of pages – 16,301

Additionally, CRCL did not agree to provide all responsive records by October 31, 2024. Rather, that was Plaintiff's proposal. As discussed during the July 26th call, discussions over a deadline were premature because until the searches were run, there was no way for CRCL to know how many potentially responsive records there would be. However, CRCL envisions beginning to process records starting November 1st.

Last, we are in receipt of Plaintiff's correspondence of this morning which responds to Defendant ICE's July 23, 2024 correspondence. Therein, Plaintiff offers a proposal with respect to resolution of Parts 4-9 as it relates to ICE and puts forth a summary judgment schedule which Plaintiff states it will raise during tomorrow's hearing. Please note that while we have forwarded Plaintiff's correspondence to ICE for its consideration, we will not be in a position to discuss it during tomorrow's motion hearing, which relates not to ICE but to OIG's motion for reconsideration.

Thanks,
-Joe

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From: Laboni Hoq <laboni@hoqlaw.com>
Sent: Thursday, September 5, 2024 2:03 PM
To: Tursi, Joseph (USACAC) <JTursi@usa.doj.gov>
Cc: echo@aclu.org; kvirgien@aclu.org; Eva Bitran <EBitran@aclusocal.org>; Axe, Jason (USACAC) <JAxe@usa.doj.gov>
Subject: [EXTERNAL] Re: ACLU SoCal v. DHS | CRCL Search

Hi Joe,

Hope you are well. We are still waiting on a response to our August 26 email. Please respond by next Tuesday, in advance of the hearing in this case, when we can expect to receive the results of CRCL's search, as well as the other issues we raised.

Thanks.

On Mon, Aug 26, 2024 at 2:54 PM Laboni Hoq <laboni@hoqlaw.com> wrote:

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Hi Joe,

Thanks for updating us on CRCL's response to Plaintiff's proposed search parameters. We have the following comments and questions.

First, regarding the CMS search, can you clarify which search terms CRCL will be using? Further, we believe applying the appropriate search terms to only the "Summary of Allegation field" of the CMS database may be too restrictive. It is not clear to us that searching this summary field will identify documents related to the *investigation* into the allegation and its findings. As such, we reserve the right to seek a broader search of the CMS database when CRCL provides us the results of the hit count (including the search terms utilized) and/or when CRCL produces the results of the search to Plaintiff.

Regarding the email search, we are likewise concerned that a search of only a single policy advisor and that individual's supervisory chain is not adequate. Because we are also seeking information regarding any policy changes at ICE/DHS made in response to any CRCL investigation/findings, a broader custodian search may be necessary. As such, we again reserve our right to seek a search of additional custodians when CRCL provides us the results of the hit count (including the search terms utilized), and/or when CRCL produces the results of the search to Plaintiff.

Regarding discussing CRCL's hit counts, please let us know when we will receive them, so we can schedule a date to meet and confer about them. At our July 26, 2024 meet and confer, we had discussed that Defendants would provide us their hit counts by August 8, 2024, and the Parties would meet and confer about them on or about August 14, 2024. See Dkt. 92. While we appreciate CRCL was delayed in responding to our search parameters, we would still like to schedule appropriate deadlines to meet and confer about the hit counts.

Finally, we had also discussed on July 26 that Defendants would produce all responsive documents by October 31, 2024. We would also like to keep to this schedule, so we can timely and concretely meet and confer about any further search adequacy issues. Please let us know if CRCL will commit to an October 31 production deadline.

Thanks.

On Wed, Aug 21, 2024 at 12:00 PM Tursi, Joseph (USACAC) <Joseph.Tursi@usdoj.gov> wrote:

Hi Laboni,

CRCL has reviewed Plaintiff's proposed search terms and parameters. It will conduct the following searches:

- CRCL will search in two locations that it thinks are most likely to have responsive records, if any:

CRCL Compliance Branch complaint management system (CMS), which is CRCL's system of record for incoming allegations and complaint investigations.

- Email accounts for the policy advisor who worked on the Vargas-Arellano complaint, 21-07-ICE-0411 and the supervisory chain above that advisor (which includes three additional custodians).
- CRCL will search for the dates March 8, 2021, to search date.
- For CMS, CRCL will search each term individually and report hit results, which will be the number of CMS records with those terms in the Summary of Allegation field.
- For email, CRCL will conduct two searches using the strings below:
 - "Vargas Arellano" OR Vargas-Arellano OR (Martin /3 (Vargas OR Arellano)) OR "Martin Vargas-Arellano" OR "A#205718808" OR "A# 205718808" OR "A205718808" OR "A205 718 808" OR "205 718 808" or "205718808"
 - "National Qualified Representative Program" OR NQRP OR (detainee AND (hospital! OR death OR die OR died OR dead OR expire)) OR "Directive 11003.5" OR "Directive 11003.4" OR "Directive 11003.2"

Thanks,

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